

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 08-04-15B

**AMENDMENT TO THE ANIMAL CONTROL ORDINANCE TO
FURTHER SPECIFY EXEMPTION REQUIREMENTS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS, AMENDING ORDINANCE NO. ORD 07-10-16A THE ANIMAL CONTROL ORDINANCE, AND ORDINANCE NO. 08-01-22B; AMENDING ARTICLE XV, SECTION (a)(3) AND ADDING ARTICLE XV, SECTION (a)(4) TO SPECIFY CONDITIONS AND REQUIREMENTS OF AN EXEMPTION FROM THE MAXIMUM NUMBER OF ALLOWED ANIMALS; PROVIDING FOR AN EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, on October 16, 2007, the City Council of the City of Horseshoe Bay, Texas did adopt Ordinance No. 07-10-16A, the Animal Control Ordinance, which was amended on January 22, 2008 by Ordinance No. 08-01-22B to correct a typographical error; and

WHEREAS, said Ordinance allows persons who have more than the allowed number of animals to obtain an exemption that would allow such persons to keep such animals under certain conditions; and

WHEREAS, the City Council has determined that the creation of certain requirements for verification and enforcement of the terms of such an exemption are necessary and proper;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. EXEMPTION

(a) The City Council of the City of Horseshoe Bay hereby amends Article XV, Section (a) (3) of Ordinance No. 07-10-16A, as amended, so that the same shall read in its entirety as follows:

(3) If at the time of adoption of this ordinance more than four (4) dogs and/or cats, six (6) months or older are being kept or harbored on any premises used or zoned for residential purposes, an exemption to XV, Section (a)(2) may be granted by the City upon application for an exemption accompanied by a pledge that upon the death or other departure of a dog and/or cat, it will not be replaced until such time as the number of animals being kept on the premises will not exceed four (4). The authority to apply for this exemption will expire on the anniversary date of the original passage of Horseshoe Bay's Animal Control Ordinance, October 16, 2007. Requirements for acquiring and keeping such an exemption are contained within Section (a) (4) of this Article.

(b) Article XV, Section (a) (4) is hereby added to Ordinance Number 07-10-16A as amended, so that the same shall read in its entirety as follows:

(4) In order to obtain and keep the exemption created by Section (a)(3) above, the following requirements and conditions must be satisfied:

(A) The Applicant must request such exemption in writing and submit the request to the Development Services Manager; and

(B) Upon request for the exemption, the Applicant must allow the City's Animal Control Officer (ACO), Police Officer (PO), or any public official with the authority to enforce the ordinance to visit the residence and photograph each animal and identify each animal with a name and number; and

(C) The Applicant and ACO, PO, or designated official must arrange semi-annual appointments to allow the City's ACO the opportunity to visit the residence, verify the number and identity of the exempted animals and inspect their health and safety; and

(D) The Applicant must notify the City's ACO of any reduction in the number of animals and identify the name or number of the reduced animal within two weeks of the reduction; and

(E) The Applicant will be required to ensure that all exempted animals remain on their property at all times, unless on a leash. Animals that are found on other's property without a leash may be removed to the animal shelter at the discretion of the ACO, PO, or designated official; and

(F) If at any time animals covered by the requested exemption become a health or safety hazard to members of the community, they may be removed to the Animal Shelter at the discretion of the ACO, PO, or designated official.

A failure to satisfy any of the above requirements and conditions will result in the immediate and automatic revocation of the exemption created in section (a) (3).

III. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this 15th day of April, 2008 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/
Robert W. Lambert, Mayor

Attest:

/S/
Teresa Moore, City Secretary